BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

TAKASHI YANAGISHITA, dba YANI TRAVEL

To Transfer a Motor Carrier Certificate or Permit and to Extend Operating Authority. DOCKET NO. 2006-0428

DECISION AND ORDER NO. 23209

Filed Jan. 19, 2007
At O'clock P.M.

Chief Clerk of the Commission

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DEPT OF COMMERA ADVOCACY
STATE OF HAVAIRS

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

J. Digret

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To Transfer a Motor Carrier Certificate or Permit and to Extend Operating Authority. Docket No. 2006-0428 Decision and Order No. 23209

DECISION AND ORDER

By this Decision and Order, the commission approves the (1) transfer certificate of public convenience and necessity number 1431-C ("Certificate No. 1431-C") from TAKASHI YANAGISHITA, đba YANI TRAVEL ("Transferor"), SONOMI YANAGISHITA, dba AA HAWAII TOURS AND GOLF ("Transferee"), and (2) extend the authority under Certificate No. 1431-C to include the 8-to-25 passenger classification, limited utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers, subject to certain conditions, as described herein.

I.

Application to Transfer and Extend Common Carrier Authority

Transferor is the holder of Certificate No. 1431-C, which authorizes Transferor to transport passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification. On October 24, 2006, Transferor filed an application seeking commission approval to transfer

Certificate No. 1431-C to Transferee and to extend the operating authority under Certificate No. 1431-C to include the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

Transferor served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by the proposed transfer and extension of Division Advocacy, and the of Consumer authority, on Affairs Commerce and Consumer ("Consumer Department of The Consumer Advocate did not participate in this Advocate"). proceeding, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 1431-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with Hawaii Revised Statutes ("HRS") § 271-18, and should, therefore, be approved.

The commission also finds that the proposed expansion of authority is required by the present and future public convenience and necessity and that Transferee is fit, willing, and able to properly perform the proposed service, and to conform 2006-0428

to HRS chapter 271 and the requirements and rules of the commission. Accordingly, we conclude that the request for an expansion of authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

- 1. Transferor's application to transfer Certificate No. 1431-C to Transferee is approved.
- 2. The request to extend the authority under Certificate No. 1431-C is approved. Transferee is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the (1) 1-to-7 passenger classification, and (2) 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.
- 3. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, paying a fee of \$20 for motor carrier gross revenues and filing the appropriate insurance documents.
- 4. Transferor shall file with the commission his annual financial report for the period of operation from January 1, 2007, to the effective date of this Decision and Order, and shall pay the associated motor carrier gross revenue fee.

- Transferor shall file an annual financial report 5. for the calendar year 2006, and pay the associated motor carrier gross revenue fee for the calendar year 2006 by April 30, 2007.
- Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.
- Transferee shall not commence operations under 7. this Decision and Order until she has received written confirmation from the commission that all requirements have been met.

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DONE	at Honolulu,	Hawaii	JAN	1	J	2007	

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

APPROVED AS TO FORM:

Stácey Kawasaki Commission Counsel

2006-0428.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 23209</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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Honolulu, HI 96809

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Karen Higashi

DATED: JAN 1 9 2007